

UNITED STATES DISTRICT COURT
for the
Western District of North Carolina

United States of America)
v.)
Case No: 1:05CR31-3
Carlos Jose Jones) USM No: 18839-058
Date of Original Judgment: April 25, 2006)
Date of Last Amended Judgment: May 20, 2009) Charles H. Harp II
Defendant's Attorney)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ is reduced to _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: 28 Amended Offense Level: 24
Criminal History Category: V Criminal History Category: V
Original Guideline Range: 130 to 162 months Amended Guideline Range: 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

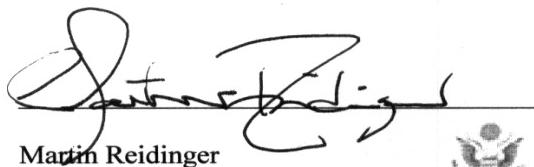
- The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
 The reduced sentence is above the amended guideline range.
 Other (explain): Defendant received a reduction pursuant to Am.706, which reduced Defendant's GLR to 120 to 137 months, with the low end being set by the statutory minimum per 5G1.1. Am. 750 modified the GLR to 120 to 120, also per 5G1.1. Defendant's original sentence was 116% of the low end of his GLR. That same percentage was applied to reduce his sentence per Am.706 (116% of 120 = 139 mos.). That same calculation per Am.750 yields the same result, 139 mos. Hence, motion denied.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 25, 2006, shall remain in effect.

IT IS SO ORDERED.

Order Date: February 7, 2012


Martin Reidinger
United States District Judge

Effective Date: _____
(if different from order date)

